

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

JOHNNY LEE BROWN

PLAINTIFF

vs.

CIVIL ACTION No.: 3:19-CV-33-HTW-LGI

**MIKE LEE, in his official and
individual capacities as SHERIFF
OF SCOTT COUNTY, MISSISSIPPI, *et al.***

DEFENDANTS

ORDER

BEFORE THIS COURT is a Motion for Judgment on the Pleadings [**Docket no. 52**], filed by defendant Sheriff Jackie Knight (hereinafter referred to as “Sheriff Knight”). Sheriff Knight asks this court for an order dismissing the following various claims against him: equal protection violation; Title 42 U.S.C. § 1983 conspiracy; Title 42 U.S.C. § 1985 conspiracy; First Amendment violation; Title 42 U.S.C. § 1983 illegal search and/or seizure violation; denial of due process under the Fourteenth Amendment of the United States Constitution; denial of counsel in violation of the Sixth Amendment of the United States Constitution; Title 42 U.S.C. § 1983 bystander liability; various Racketeer Influenced and Corrupt Organizations Act (hereinafter referred to as “RICO”); a *Monell* claim; a Mississippi state law claim for intentional infliction of emotional distress; and a Mississippi state law claim for assault and battery.

According to Sheriff Knight, plaintiff failed to allege any facts which support a finding that he acted unconstitutionally toward plaintiff. Sheriff Knight also says that plaintiff failed to plead any of the above-mentioned causes of action against himself with particularity.

Plaintiff responds that “[p]laintiff only asserts prospective, injunctive/declaratory relief against [Sheriff] Knight”. Plaintiff also responds that “[p]laintiff concedes he does not seek to recover monetary damages for any claim against [Sheriff] Knight.” According to plaintiff, he

“seeks injunctive relief prohibiting [Sheriff] Knight from violating Plaintiff’s constitutional liberties with respect to [allegedly] retaliatory criminal charges that have been brought against [plaintiff] in Newton County[, Mississippi].”

Sheriff Knight did not make any specific argument against the injunctive, prospective relief that plaintiff is seeking. Plaintiff effectively conceded Sheriff Knight’s motion for judgment on the pleadings. Accordingly, this court finds Sheriff Knight’s Motion for Judgment on the Pleadings [Docket no. 52] well-taken and should be granted.

IT IS, THEREFORE, ORDERED that Sheriff Knight’s Motion for Judgment on the Pleadings [Docket no. 52] is hereby GRANTED.

IT IS FURTHER ORDERED that all claims for monetary damages are hereby DISMISSED WITH PREJUDICE.

IT IS FINALLY ORDERED that plaintiff shall file a more definite statement about the factual and legal basis for the injunctive, prospective relief that plaintiff is seeking. Plaintiff must file his statement within fourteen (14) days of the date of this order.

SO ORDERED this the 31st day of March, 2021.

s/ HENRY T. WINGATE
UNITED STATES DISTRICT COURT JUDGE